

### § 78.13

begun, notice shall be given to the Commission and the relevant Engineers in charge within 1 day after such decision. In all instances, the Commission and the relevant Engineers in charge shall be notified when the transmitting equipment has been returned to its licensed area.

(f) A cable network-entity may use CARS stations to transmit their own television program materials to cable television systems, other eligible systems, other cable network-entities, broadcast stations, and broadcast network-entities: *Provided, however*, That the bands 2025–2110 MHz, 6425–6526 MHz and 6875–7125 MHz may be used by cable network-entities only for CARS pick-up stations.

(g) The provisions of paragraph (d) of this section and § 78.13 shall not apply to a licensee who has been licensed in the CARS service pursuant to § 101.705 of this chapter, except that paragraph (d) of this section shall apply with respect to facilities added or cable television and other eligible systems first served after February 1, 1966.

[37 FR 3292, Feb. 12, 1972, as amended at 37 FR 15926, Aug. 8, 1972; 43 FR 1953, Jan. 13, 1978; 43 FR 25127, June 9, 1978; 44 FR 32382, June 6, 1979; 47 FR 21503, May 18, 1982; 50 FR 23421, June 4, 1985; 52 FR 7144, Mar. 9, 1987; 55 FR 46015, Oct. 31, 1990; 58 FR 44952, Aug. 25, 1993; 65 FR 38326, June 20, 2000; 65 FR 48181, Aug. 7, 2000]

### § 78.13 Eligibility for license.

A license for CARS station will be issued only:

(a) To the owner or one who is responsible for the management and operation of a cable television system,

(b) To a cooperative enterprise wholly owned by cable television owners or operators, or

(c) A cable network-entity upon showing that the applicant is qualified under the Communications Act of 1934, that frequencies are available for the proposed operation, and that the public interest, convenience, and necessity will be served by a grant thereof.

(d) Licensees and conditional licensees of channels in the Multipoint Distribution Service and Multichannel Multipoint Distribution Service as defined in § 21.2 of this chapter, or entities that hold an executed lease agree-

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ment with an MDS or MMDS licensee or conditional licensee or with an Instructional Television Fixed Service licensee or permittee.

(e) Licensees, construction permittees, and applicants of channels in the Instructional Television Fixed Service (ITFS) as defined in § 74.901 if:

(1) The station is authorized or the application proposes authorization as a point-to-point operation; and

(2) Grant of a CARS license would allow displacement of any E or F channel of the ITFS point-to-point operation by a Multipoint Distribution Service (MDS) or Multichannel Multipoint Distribution Service (MMDS) applicant, conditional licensee, or licensee.

(f) To private cable operators and other multichannel video programming distributors not specifically identified in this section.

[52 FR 7144, Mar. 9, 1987, as amended at 55 FR 46015, Oct. 31, 1990; 56 FR 57601, Nov. 13, 1991; 67 FR 43259, June 27, 2002]

### § 78.15 Contents of applications.

(a) Applications for authorization in the Cable Television Relay Service shall be submitted on FCC Form 327, and shall contain the information requested therein. Applications requiring fees as set forth at part 1, subpart G of this chapter must be filed in accordance with § 0.401(b) of the rules.

(b) An application for a CARS studio to headend link or LDS station license shall contain a statement that the applicant has investigated the possibility of using cable rather than microwave and the reasons why it was decided to use microwave rather than cable.

NOTE: Each applicant filing pursuant to § 78.15 is responsible for the continuing accuracy and completeness of all information in such applications. The provisions of § 1.65 are wholly applicable to applications pursuant to § 78.15, as well as to amendments filed pursuant to § 78.17, and objections filed pursuant to § 78.22, except that where the specific provisions of §§ 78.15, 78.17, 78.22 conflict with the provisions of § 1.65, the specific provisions are controlling, e.g., where requirements for service on specified parties of certain information may vary.

(c) CARS applicants must follow the procedures prescribed in subpart 1 of part 1 of this chapter (§§ 1.1301 through

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1.1319) regarding the filing of environmental assessments unless Commission action authorizing construction of a CARS station would be categorically excluded from the environmental processing requirements under §1.1306 of this chapter.

[41 FR 3719, Jan. 23, 1976, as amended at 41 FR 32429, Aug. 3, 1976; 42 FR 61864, Dec. 7, 1977; 50 FR 23421, June 4, 1985; 52 FR 10231, Mar. 31, 1987; 55 FR 20398, May 16, 1990]

### § 78.16 Who may sign applications.

(a) Applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of government entities shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reasons why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of fact need not be submitted under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, United States Code, title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section

312(a)(1) of the Communications Act of 1934, as amended.

[37 FR 15926, Aug. 8, 1972]

### § 78.17 Amendment of applications.

Any application may be amended as a matter of right prior to the adoption date of any final action taken by the Commission with respect to the application. If a petition to deny has been filed, the amendment shall be served on the petitioner.

[68 FR 27004, May 19, 2003]

### § 78.18 Frequency assignments.

(a) The Cable Television Relay Service is assigned the band of frequencies from 12.70 to 13.20 GHz. This band is shared with the Fixed-Satellite Service (earth-to-space) from 12.70 to 12.75 GHz and Television Auxiliary Broadcast Stations from 12.70 to 13.20 GHz. The following channels may be assigned to CARS stations for the propagation of radio waves with the indicated polarization:

(1) For CARS stations using FM transmission:

#### GROUP A CHANNELS

Designation	Channel boundaries (GHz)
A01 <sup>1</sup> .....	12.700–12.725
A02 <sup>1</sup> .....	12.725–12.750
A03 <sup>1</sup> .....	12.750–12.775
A04 <sup>1</sup> .....	12.775–12.800
A05 <sup>1</sup> .....	12.800–12.825
A06 <sup>1</sup> .....	12.825–12.850
A07 <sup>1</sup> .....	12.850–12.875
A08 <sup>1</sup> .....	12.875–12.900
A09 <sup>1</sup> .....	12.900–12.925
A10 <sup>1</sup> .....	12.925–12.950
A11 <sup>1</sup> .....	12.950–12.975
A12 <sup>1</sup> .....	12.975–13.000
A13 <sup>1</sup> .....	13.000–13.025
A14 <sup>1</sup> .....	13.025–13.050
A15 <sup>1</sup> .....	13.050–13.075
A16 <sup>1</sup> .....	13.075–13.100
A17 <sup>1</sup> .....	13.100–13.125
A18 <sup>1</sup> .....	13.125–13.150
A19 <sup>1</sup> .....	<sup>2</sup> 13.150–13.175
A20 <sup>1</sup> .....	<sup>2</sup> 13.170–13.200

<sup>1</sup> Appropriate polarization designation:

H=Horizontally polarized propagated radio wave.

V=Vertically polarized propagated radio wave.

R=Right-handed (clockwise) elliptically polarized propagated radio wave.

L=Left-handed (counter-clockwise) elliptically polarized propagated radio wave.

<sup>2</sup> See paragraph (1) of this section.

NOTE: Polarization designations shall be in accordance with IEEE standard 100–1972 as amended.